

REMARKS

In the August 25, 2009 Office Action, all of the claims stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the August 25, 2009 Office Action, none of the claims are being amended by the current Amendment. Thus, claims 5-7, 11 and 12 are pending, with claims 7 and 11 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Election /Restrictions

The Office Action makes no mention of the prior restrictions requirement. The Office Action Summary does not indicate that any claims have been withdrawn from consideration. Thus, Applicants believe the prior Restriction Requirement has been withdrawn, and the prior Restriction Requirement will not be addressed in further detail herein.

Rejections - 35 U.S.C. § 102

On page 2 of the Office Action, claims 5-7 and 11¹ stand rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Publication No. 2002-357377 (Unezaki et al.) and under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,806,329 (Taira et al.). In response, Applicants respectfully traverse the rejections as explained below.

Independent claims 11 and 7 positively require, *inter alia*,

new working refrigerant that serves as a cleaning agent comprising an HFC refrigerant containing at least 40 wt% of R32 but containing no R134a refrigerant and

¹ Claim 12 is not rejected in this section or elsewhere in the Office Action. Moreover, claim 12 is not identified in the Office Action Summary. Since rejected claim 6 depends from claim 12, it appears that the Office Action intends to reject claim 12 in this section of the Office Action. However, clarification of the status of claim 12 is respectfully requested.

a new heat source unit and a new user unit that are connected together by the existing refrigerant piping with a replaced working refrigerant disposed therein, the replaced working refrigerant being an HFC refrigerant containing at least 40 wt% of R32 that serves as a cleaning agent but contains no R134a refrigerant, respectively

Clearly, this structure is ***not*** disclosed or suggested by the Unezaki et al. publication or the Taira et al. patent.

In the Unezaki et al. publication, R407C is used as a washing agent (instead of the HCFC 141b and HCFC 225) and as a replacement refrigerant. R407C includes 23 wt% R32, 25 wt% R125 and 52 wt% R134a. R407C has less than 40 wt% R32 and a significant wt% (a majority) of R134a. See paragraphs [0012]-[0017] and [0044]-[0048]. The Unezaki et al. publication makes no mention of using the ***HFC refrigerant containing at least 40 wt% of R32 but containing no R134a*** as claimed. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Since the Unezaki et al. publication does not disclose or suggest ***HFC refrigerant containing at least 40 wt% of R32 but containing no R134a***, the Unezaki et al. publication cannot anticipate independent claims 11 and 7 under 35 U.S.C. §102(b). Accordingly, withdrawal of this rejection based on the Unezaki et al. publication is respectfully requested.

In the Taira et al. patent, no particular washing liquid and/or new refrigerant are disclosed whatsoever. Rather, this reference discusses many details of the system such as operating temperatures and pressures without reference to any particular washing/replacement refrigerant. In fact, the Office Action appears to acknowledge that ***HFC refrigerant containing at least 40 wt% of R32 but containing no R134a***, as claimed, is not disclosed or suggested the Taira et al. patent or the Unezaki et al. publication. Specifically, the Office Action indicates at page 4 that "Taira et al.'s system is capable of using the same refrigerant with the same composition because existing refrigerant system containing Chlorine or Ozone depletion refrigerant can be replaced by the friendly environmental refrigerant as mentioned above and it is a well known feature in the art." However, it is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. In this

case, the Taira et al. patent, as explained above and as acknowledged in the Office Action, cannot disclose or suggest ***HFC refrigerant containing at least 40 wt% of R32 but containing no R134a*** as well as the other features of independent claims 11 and 7. Thus, the Taira et al. patent cannot anticipate independent claims 11 and 7 under 35 U.S.C. §102(b). Accordingly, withdrawal of this rejection based on the Taira et al. patent is respectfully requested.

Additionally, the above references lack the following elements of these claims. Specifically, JP2002-357377 (the Unezaki et al. publication) does not disclose or suggest ***the oil collecting device being disposed in the new heat source unit***. Accordingly, the Unezaki et al. publication cannot anticipate the claims. Moreover, U.S. Patent No. 5,806,329 (the Taira et al. patent) does not disclose or suggest ***existing refrigerant piping that was used with an existing air conditioner being composed of an old heat source unit and an old user unit and contains residue of an existing mineral-oil-based refrigerant oil, the existing refrigerant piping being connected the old heat source unit and the old user unit, the existing refrigerant piping being reused as is when updating the air conditioner is complete***. Accordingly, the Taira et al. patent cannot anticipate the claims. Accordingly, withdrawal of these rejections of independent claims 11 and 7 is respectfully requested.

Moreover, Applicants believe that the dependent claims 5-6 and 12 are also allowable over the prior art of record in that they depend from independent claim 11, and therefore are allowable for the reasons stated above. Also, the dependent claims 5-6 and 12 are further allowable because they include additional limitations, i.e., “a fifth step of changing over a refrigerant circuit being composed of the existing refrigerant piping with the new heat source unit and the new user unit to normal operation state which has the oil collecting device attached thereto, the fifth step being executed after the fourth step” and “during the washing of the existing refrigerant piping, the new working refrigerant is circulated such that the new working refrigerant in a wet state flows through the existing refrigerant piping”, which in combination with the limitations of independent claim 11, are not disclosed or suggested by the Unezaki et al. publication or the Taira et al. patent. Accordingly, neither the Unezaki et al. publication nor the Taira et al. patent can anticipate the dependent claims 5-6 and 12, and withdrawal of the rejections of these dependent claims are respectfully requested.

Appl. No. 10/580,909
Amendment dated October 16, 2009
Reply to Office Action of August 25, 2009

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 5-7, 11 and 12 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested. If there are any questions regarding this Amendment, please feel free to contact the undersigned.

Respectfully submitted,

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